



STAFF REPORT

TO: Board of Zoning Adjustment (BZA)

DATE: September 19, 2016

RE: Case No. **16-102BZA**, a request for a variance to **Section 151-6.3 (1a)** pertaining to the minimum side setback of an accessory structure used to house animals and **Section 151-8.4A** for the minimum lot width to depth ratio of a proposed lot in an Agricultural (AG) Zoning District. Such placement of the accessory structure and depth of proposed lot will be in non-compliance of the 2011 Land Development Code (LDC) requirements.

Applicant: Amy Swanson

Owner: Andrea Burgis

Site Location: 12608 NE 112th Street

Site Size: 39± acres

Application: 08/29/2016

S19 | T52 | R31

Existing Land Use and Zoning: Agricultural (AG) District

Zoning/Platting History: None

Surrounding Land Use and Zoning:

North – Private Gardens (R-1B)

East – AG zoned land

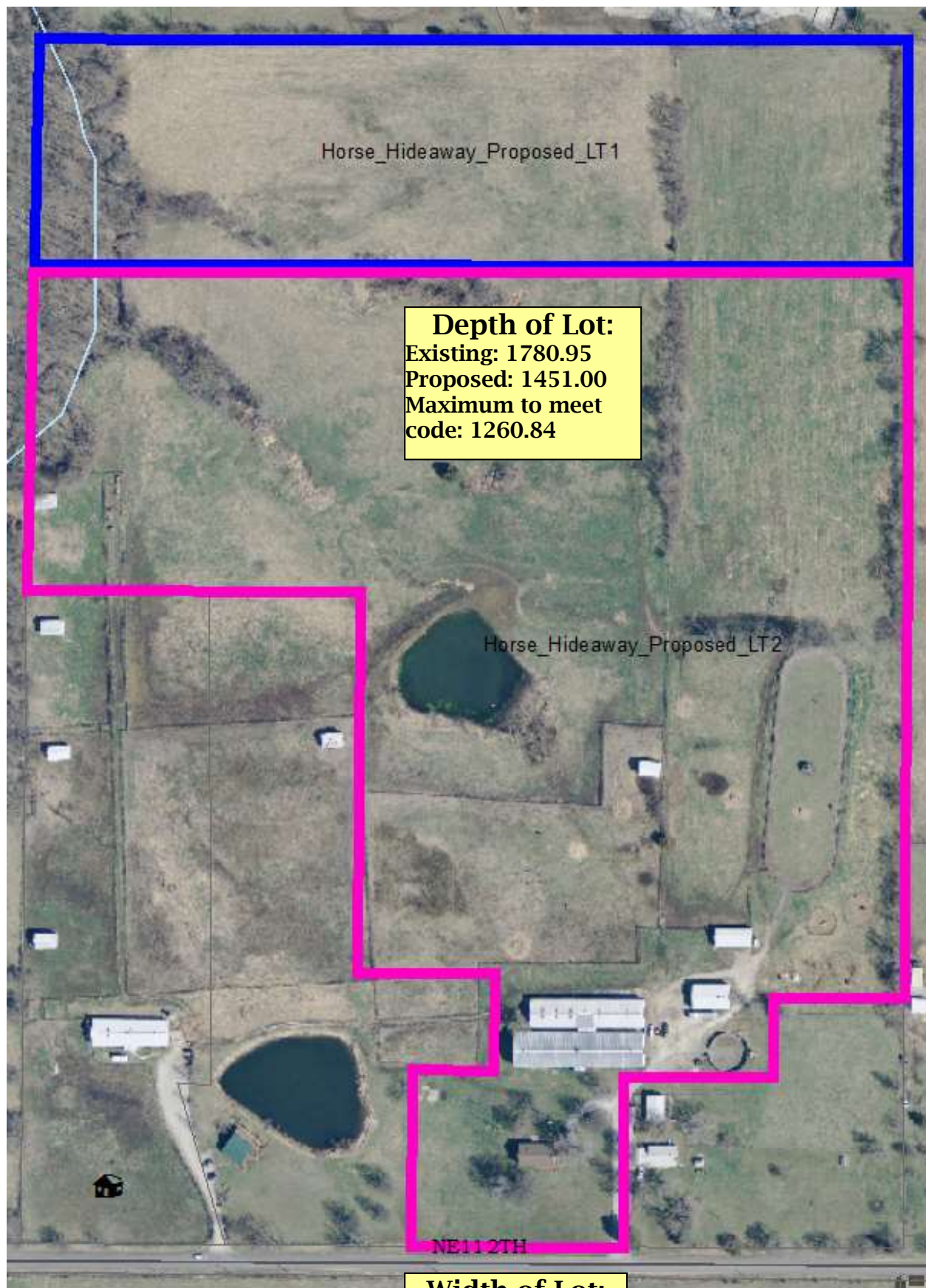
South – AG zoned land, City of Liberty

West – Bringus Estates (R-5 & RU), AG zoned land

PHYSICAL CONDITIONS



Basemap made available by Clay County Assessor GIS Mapping



Horse_Hideaway_Proposed_LT1

Depth of Lot:
Existing: 1780.95
Proposed: 1451.00
Maximum to meet
code: 1260.84

Horse_Hideaway_Proposed_LT2

NE112TH

Width of Lot:
315.21 Feet

REVIEW

Amy Swanson, representing Andrea Burgis (owner of 12608 NE 112th Street) is requesting variances from Sections 151-6.3B (1a) and 151-8.4 (A) of the 2011 Land Development Code for her property at 12608 NE 112th Street, currently zoned Agricultural (AG) District. Ms. Swanson would like to split the 39± acres into two lots with the intention of selling the north 10 acres (proposed lot #1) and the variances are desired to bring the southern lot (proposed lot #2) into compliance with the 2011 Land Development Code.

The Agricultural (AG) zoning district minimum side setback for an accessory building is 25 feet. However, if the accessory building is used to house animals the minimum side setback increases to 50 feet. The petitioner is requesting a variance to *Section 151-6.3B (1a) of the 2011 Land Development Code* pertaining to the minimum side setback for an accessory building that houses animals, which is the following:

- 50-foot side setback variance.

The width to depth ratio of any lot shall not exceed 1 to 4 (width to depth). The petitioner is requesting a variance to Section 151-8.4 A of the 2011 Land Development Code pertaining to the width to depth ratio of a lot, which is the following:

- The width to depth ratio of any lot shall not exceed 1 to 4 (width to depth).

In review of a non-use variance request, the following approval conditions must be met [Section 151-3.12D (2)]:

- A.** *“The requested variance arises from **conditions that are unique** to the subject property, that are not ordinarily found in the same zoning district and that are **not a result of the owner’s intentional action**;”*

Staff Response: The attached **letter** has been presented by the petitioner.

- B.** *“The granting of the permit for the Variance will **not be contrary to the public interest** and will **not adversely affect the rights of adjacent property owners or residents**;”*

Staff Response: Public Notice was published for this case in the Kearney Courier on September 8th, 2016, and certified letters were sent on September 9, 2016 to the adjacent property owners at the addresses furnished by the applicant. At this time, there have been no objections to the request.

- C.** *“The strict application of the provisions of which a Variance is requested will constitute an **unnecessary hardship** upon the property owner represented in the application;”*

Staff Response: The attached **letter** has been presented by the petitioner.

- D.** *“**and, The Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.**”*

Staff Response: The subject property falls within the Urban Services Tier of the 2008 Clay County Comprehensive Plan. This request for variances will have no negative implications on the 2008 Comprehensive Plan. In addition, no opposition to this variance has been received to date.

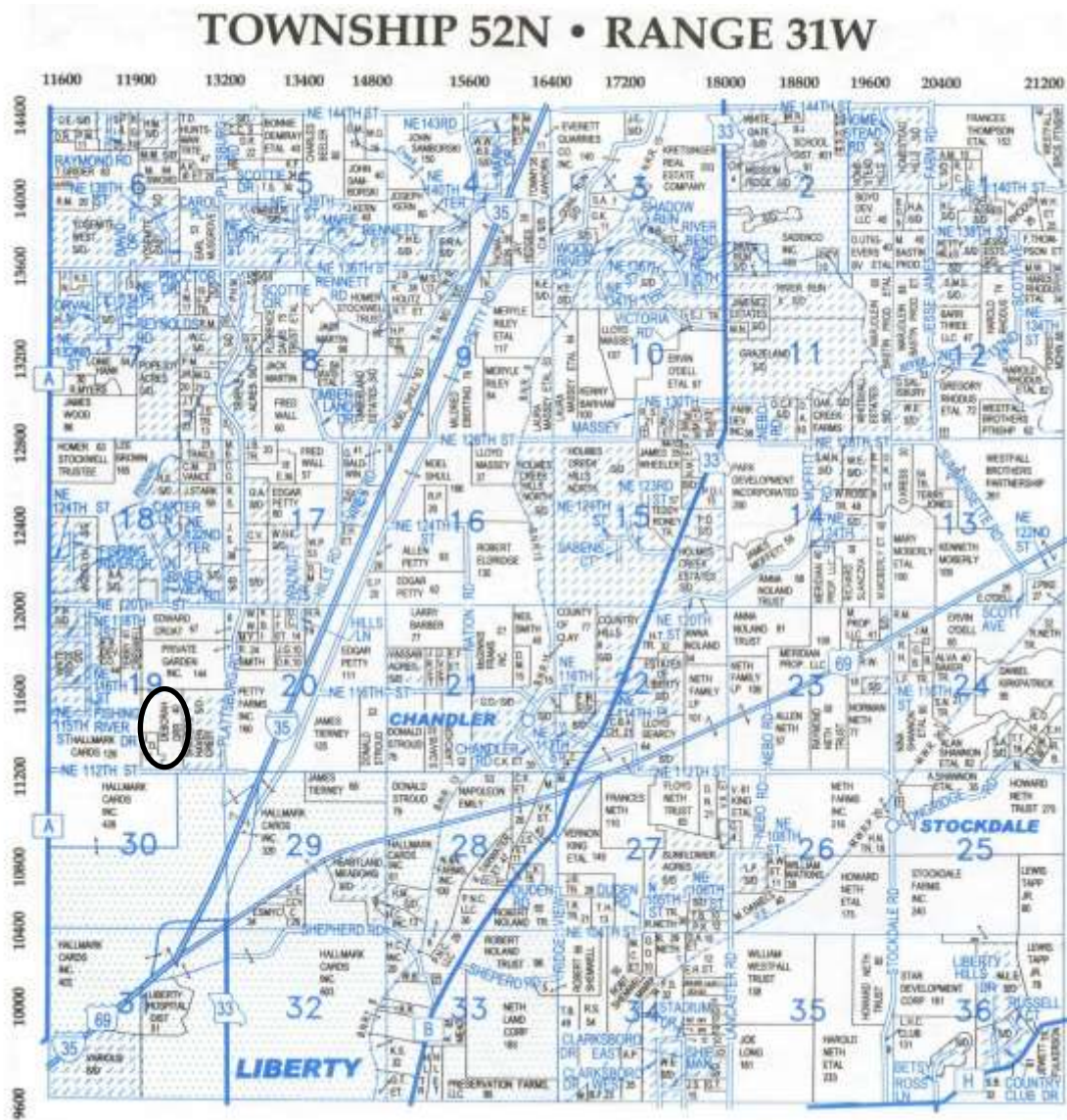
RECOMMENDATION

If the Board of Zoning Adjustment finds that the non-use variance approval criteria under Section 151-3.12 (D) 2 have been met, then the following variances are to be authorized:

1. A variance of 190.16' lot depth of Section 151-8.4A to allow a 1451' lot depth for proposed Lot 2.
2. A variance of 12.9' side setback of Section 151-6.3(1a) to allow a 37.1 side setback for an accessory structure that houses animals on proposed Lot 2.

16-102BZA – 12608 NE 112th St

Attachment A – Vicinity Map



ADDRESS: 12608 NE 112th St, Liberty, MO 64068

FROM Courthouse in Liberty go East turn Left on N Lightburne St/MO-33

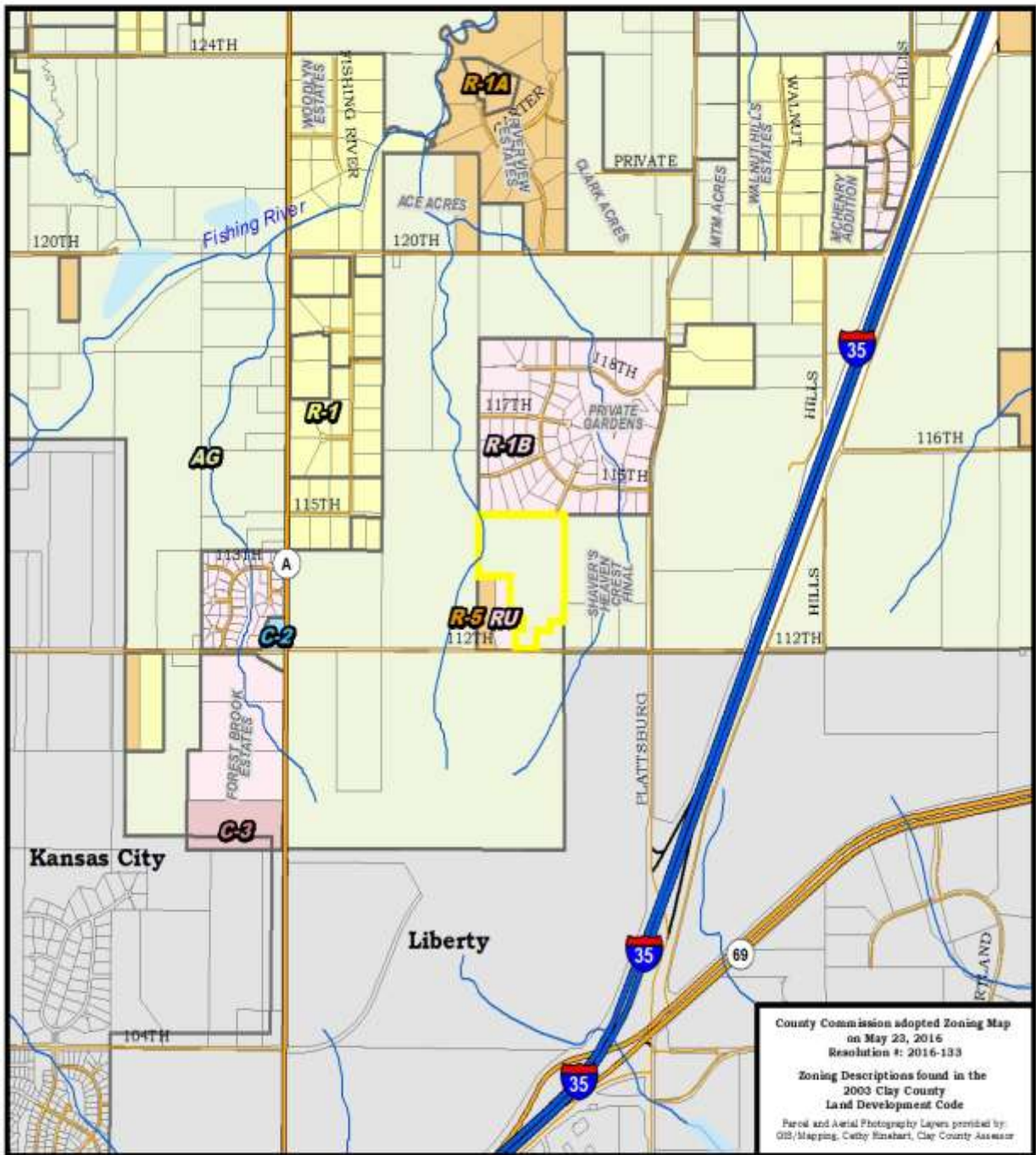
Stay straight onto N Lightburne St (it will change names to Plattsburg Rd after passing I-35) (2.5 miles)

Turn Left on 112th Street (.9 miles)

Destination will be on the Right

16-102BZA – 12608 NE 112th ST

Attachment B - Existing Conditions Map



Map Document: C:\GIS\Projects_Files\vacinity Map - 8 x 11 P.mxd
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Planning & Zoning Department

1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

- Property Line
- Roads
- Interstates
- State Highways
- Local Roads
- Highway Ramps
- Streams (EPA)
- Railroads
- Subdivisions
- 2016 City Limits
- Parks
- County Boundaries

- Zoning Districts**
- C-1
- C-2
- C-3
- AG
- R-1
- R-1A/R-2
- R-1B/RU
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16-102BZA – 12608 NE 112th St

Exhibit A – Petitioner Letter

Board of Zoning Adjustment
Clay County Missouri
Planning and Zoning
234 W Schrader, Suite C
Liberty, MO 64068

August 29, 2016

RE: Request for Variance Application

Dear Board of Zoning Adjustment Members,

I am asking the Board of Zoning Adjustments to grant variances from the Clay County Land Development Code for the property located at 12608 NE 112th Street, Liberty, MO. The property has greater than a 4:1 ratio regarding depth to road frontage and the building setback from the west property line is less than the required distance.

Non-Use Variance

Item A: The buildings and property lines which I am requesting a variance were existing when I purchased the property.

Item B: Owners of the adjacent properties have not expressed concerns or opposition to the variances.

Item C: The strict application of the Clay County Land Development Code with respects to easements and build set back lines would interfere with the current location of the buildings. These buildings were in place, as well as the depth to frontage ratio, when I purchased the property.

Item D: The variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.

Thank you for your consideration of the proposed variance request.

Respectfully,

Amy Swanson
3200 NE 83rd St.
Kansas City, MO 64119

16-102BZA – 12608 NE 112th St

Exhibit B- Letter From Buyer of Proposed Lot #1

Board of Zoning Adjustment
Clay County Missouri
Planning and Zoning
234 W Schrader, Suite C
Liberty, MO 64068

August 29, 2016

RE: Request for Variance Application - 12608 NE 112th Street, Liberty, MO

Dear Board of Zoning Adjustment Members,

I am asking the Board of Zoning Adjustments to grant any needed variances from the Clay County Land Development Code for the above mentioned property. At this point in time, I have no interest in acquiring additional contiguous property from the current owner.

Thank you for your time and consideration,

Scott Goessling
4300 Jasmine Lane
Mansfield, TX 76063
847-525-3513